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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/459,237 | 12/10/1999 | GERALD T. CARACCIOLO | 533/050 | 9883 |
| 26291 | 7590 | 08/10/2005 | EXAMINER | |
| MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702 | | | NG, CHRISTINE Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2663 | |

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/459,237 | CARACCILO ET AL. | |
| | Examiner | Art Unit | |
| | Christine Ng | 2663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/15/00</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because:
 - a) In Figure 3, descriptive text labels are required for elements 302₁-302₄, 304, 310, 312, 314, 316, 318, 320, 322, 330, and 332.
 - b) In Figure 4, the descriptive text labels are unclear.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

On page 13 line 21, "freqncy cock" should be changed to --frequency clock--.

Appropriate correction is required.

Claim Objections

3. Claims 3, 4 and 7 are objected to because of the following informalities:

a) In claim 3 line 8, "aply" should be changed to --apply--.

b) In claim 4 line 2, "vlaue" should be changed to --value--.

c) In claim 7 line 8, --with-- should be inserted before "the plurality of identifiers".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 6, the wording is unclear.

Referring to claim 7, it is unclear whether or not the "plurality of stream identifiers" (lines 1-2; lines 24-25; and line 25) are the same as the "plurality of identifiers" (lines 5-6; and lines 7-8).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,710,593 to Reynolds.

Referring to claim 1, Reynolds discloses in a rate generator for generating a plurality of frequencies comprising:

[Figure 2] An oscillator (DDS 20) comprising:

A phase accumulator (36) for storing an accumulated phase value. Refer to Column 2, lines 41-43.

A phase increment register (38) for storing a phase increment value. Refer to Column 2, lines 43-45.

An adder (40), coupled to said phase accumulator and said phase increment register, for summing said phase increment value and the accumulated phase value to provide a sum to said phase accumulator. Refer to Column 2, lines 45-49.

Said adder for generating a pulse (address) at a frequency each time the sum reaches a pre-determined value (combination of outputs of phase accumulator 36 and phase increment register 38). After combining the output of the phase accumulator 36 with the phase increment from the phase increment

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register 38 (pre-determined value), the adder 40 produces an address (pulse) at the next clock cycle. Refer to Column 2, lines 45-49.

[Figure 1] A controller (address generator 18), coupled to said oscillator (DDS 20), for time sharing said phase accumulator, phase increment register and said adder to produce a plurality of frequencies (sine and cosine subcarrier signals). The DDS 20 produces a digital representation of the sine and cosine subcarrier frequencies, partially under the control of the Color Frame Reset pulse from the address generator 18. Refer to Column 2, lines 19-28 and lines 39-53.

Reynolds does not specifically disclose that the adder operates said oscillator as a plurality of oscillators.

However, Reynolds discloses in Figure 1 a digital video test signal generator 10. By including more than one oscillator within the test signal generator, more test signals can be produced. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the adder operates said oscillator as a plurality of oscillators; the motivation being to generate more test signals.

Referring to claim 2, Reynolds does not specifically disclose that the rate generator further comprises a plurality of oscillators and controllers.

However, Reynolds discloses in Figure 1 a digital video test signal generator 10. By including more than one oscillator and controller within the test signal generator, more test signals can be produced. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to include that the rate generator further comprises a plurality of oscillators and controllers; the motivation being to generate more test signals.

Referring to claim 3, Reynolds discloses that:

[Figure 2] Said phase accumulator (36) is an accumulated phase value storage for storing a plurality of accumulated phase values. Phase accumulator 36 stores a plurality of phase values from sine/cosine lookup tables 32,34. Refer to Column 2, lines 39-43.

[Figure 2] Said phase increment register (38) is a phase increment value storage for storing a plurality of phase increment values. Refer to Column 2, lines 43-45.

[Figure 1] Said controller (address generator 18) is a memory address generator for addressing said phase accumulator value storage and said phase increment value storage to timely apply said values to said adder. The address generator 18 produces a Color Frame Reset pulse, which partially controls the DDS 20 to produce a digital representation of the sine and cosine subcarrier frequencies. Refer to Column 2, lines 19-28 and lines 52-53.

Referring to claim 4, Reynolds does not specifically disclose that the accumulated phase value storage stores 64 accumulated phase values and said phase increment value storage stores 64 phase increment values. However, the invention of Reynolds can include any number of accumulator phase values or phase increment values, since the particular number of accumulator phase values and phase increment values, 64, does not offer any unexpected results.

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Referring to claim 5, Reynolds does not specifically disclose that said plurality of oscillators is 64. However, the invention of Reynolds can include any number of oscillators, since the particular number of oscillator, 64, does not offer any unexpected results.

Allowable Subject Matter

8. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

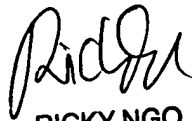
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng CW
August 5, 2005


RICKY NGO
PRIMARY EXAMINER

8/5/05